

DOCKET NO: 284585US0PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
YASUHIRO KABU, ET AL. : EXAMINER: WEISZ, D. G.
SERIAL NO: 10/564,503 :
FILED: JANUARY 13, 2006 : GROUP ART UNIT: 1777
FOR: METHOD FOR SUPPLYING :
REACTION GASES IN CATALYTIC
VAPOR PHASE OXIDATION PROCESS

REPLY BRIEF

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

The following Reply Brief is in reply to the Examiner's Answer dated August 11, 2011 (Answer).

The statement of the grounds of the rejection (Answer at 4-6) is identical to the statement in the Final Rejection, which has already been responded to in the Second Appeal Brief (Appeal Brief). The following is in reply to the Response to Argument (Answer at 6-7).

Ground (A)

In response to Applicants' argument that the present invention is characterized by increasing or decreasing a feed rate of a gas, and then increasing or decreasing a feed rate of another gas **without shutting off the feed** (emphasis in the Appeal Brief), while in the process of Hammon et al, a feed of gas streams is automatically stopped by a computer system if the distance from the operating point to the nearest explosion limit is below a

predetermined minimum value, the Examiner finds that “[t]here is nothing in the appellants’ claims or specification, including the term ‘reactive composition’, which would lead one to exclude the shutting off of a feed when considering increasing or decreasing a feed rate. The examiner asserts that shutting off a feed would indeed decrease the feed rate. Further, the limitations regarding adjusting the feed rate of a gas and another gas are anticipated by [Hammon et al] (see especially paragraphs [0036] and [0043]). Further, nothing in appellants’ Figures are compelling to exclude shutting off the feed (see the Figs. disclosed in [Hammon et al])” (Answer at 7).

In reply, the Examiner’s response has been rebutted, at least in part, at page 6 of the Appeal Brief. Indeed, the words of Claim 1 “wherein one of the feed rates of the material to be oxidized and the gas containing molecular oxygen is adjusted in advance by increasing it or decreasing it to the direction away from the explosion range and then the other feed rate is adjusted by increasing it or decreasing it to reach to the composition B point so that the compositions on the way of the change from the composition A point to the composition B point fall outside the explosion range” makes no sense if decreasing a feed rate is inclusive of shutting it off completely.

Regarding the disclosure in Hammon et al at paragraphs [0036] and [0043], these paragraphs are directed to monitoring a propylene concentration or an oxygen concentration, respectively, in a feed gas mixture as a function of time, as sufficient as a cut-out mechanism but that the corresponding feed component is cut off for safety reasons when it approaches a particular limit. Contrary to the finding by the Examiner, this is not the same as, or suggestive of, adjusting one feed rate in advance by increasing it or decreasing it, and then adjusting the other feed rate by increasing it or decreasing it.

Applicants continue to maintain that the rejection be REVERSED.

Ground (B)

While the Answer omits the statement of the rejection of Claim 3 under 35 U.S.C. § 112, second paragraph, it is clear from the Response to Argument that the Examiner has maintained this rejection, because brackets and parentheses were not removed as they were in Claims 1 and 6 (Answer at 7).

In reply, Claim 3 was inadvertently not amended as were Claims 1 and 6 in the Amendment filed June 13, 2011. Applicants propose to similarly amend Claim 3 once the claims are otherwise indicated as allowable. Nevertheless, Applicants submit that the presence of brackets and parentheses in Claim 3 does not render the claim indefinite, since it would be clear to persons skilled in the art, that the metes and bounds of the claim are definite, when read in light of the specification. Accordingly, it is respectfully requested that the rejection be REVERSED.

Respectfully submitted,

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